

PINNOCK & WAKEFIELD, A.P.C.

Theodore A. Pinnock, Esq. Bar #: 153434
David C. Wakefield, Esq. Bar #: 185736
Michelle L. Wakefield, Esq. Bar #: 200424
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
Telephone: (619) 858-3671
Facsimile: (619) 858-3646

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,**

Plaintiffs,

v.

**HOME DEPOT U.S.A., INC. d.b.a.
THE HOME DEPOT #6679; MIRA MESA
MARKETPLACE WEST, LLC; AND DOES 1
THROUGH 10, Inclusive,**

Defendants.

Case No.: 08c0046 JM (JMA)

**PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS SUPPLEMENTAL
STATE LAW CLAIMS**

Date: March 21, 2008

Time: 1:30 P.M.

Judge: Honorable Jeffrey Miller

**NO ORAL ARGUMENT UNLESS
REQUESTED BY COURT**

Plaintiffs hereby oppose Defendants' Motion To Dismiss
Supplemental State Law Claims on the ground that said Motion is
moot. Plaintiff has filed with this Honorable Court a Motion To
Amend Plaintiffs' Civil Complaint and has provided this Court

1 with a [Proposed] First Amended Complaint that serves to address
2 all issues outlined within Defendants' moving papers. Within the
3 [Proposed] First Amended Complaint all state claims are removed
4 and shall be litigated by Plaintiffs concurrently with this
5 action in the Superior Court for the County of San Diego.

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7 Respectfully submitted:

8 **PINNOCK & WAKEFIELD, A.P.C.**

9 Dated: March 5, 2008

10 By: s/ Michelle L. Wakefield
11 Attorney for Plaintiffs
12 E-mail: MichelleWakefield@
13 PinnockWakefieldLaw.com
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